

MorrisonCohen_{LLP}

Jay R. Speyer
Partner
(212) 735-8648
jspeyer@morrisoncohen.com

May 24, 2021

VIA ECF

Hon. P. Kevin Castel
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

The conference will proceed telephonically on
May 25, 2021 at 2:00 p.m. Dial-In No.: 1-888-363-4749,
Access Code: 3667981.

SO ORDERED.
Dated: 5/24/2021



P. Kevin Castel
United States District Judge

Re: SPT Chatsworth Holdings, LLC v. Chatsworth Realty
Corporation, *et al.*, 20-CV-8502 (PKC) (the "Action")

Dear Judge Castel:

My firm is counsel for the defendants in the Action ("Defendants"). We write pursuant to Rule 1 of Your Honor's Individual Practices in connection with the Case Management Conference currently scheduled for Tuesday, May 25, 2021 at 2:00 p.m. For the reasons set forth below, Defendants respectfully request a brief adjournment of the Case Management Conference until June 10, 2021 or as soon thereafter as convenient for the Court. If the Court does not grant such adjournment, we respectfully request that Defendants' counsel be permitted to appear for the conference by telephone.

The parties here are very close to a settlement of the Action. After lengthy negotiations, the parties reached terms to resolve the Action and executed a settlement agreement. Unfortunately, certain issues have arisen with respect to select terms in the agreement which require the approval of a third party so as to not violate the terms of certain other agreements. Defendants are working with all parties to address those outstanding issues and believe the issues will be entirely resolved over the next two weeks. Defendants respectfully submit that an adjournment is appropriate given the circumstances and to avoid additional costs for the parties as well as wasting the Court's valuable time and resources.¹ The adjournment request is for a sixteen day adjournment only because Defendants' counsel is unavailable on June 8th and 9th due to existing conflicts in other cases, including an evidentiary hearing on June 8th. Plaintiff's counsel does not consent to the adjournment request and has advised that they believe the issues should be able to be addressed before the conference. However, there is a genuine need for the additional

¹ Based on the reasons set forth herein and the expectation that the Action would be dismissed upon the finalization of the parties' settlement, fact discovery was not completed by May 10. Plaintiff produced documents on May 7 and 10; Defendants have not yet produced documents as they were seeking to avoid wasting limited available resources because the Action was, and still is, expected to be resolved without further proceedings. No depositions have taken place. In the unlikely event that the parties are not able to resolve all of their issues in the next two weeks, Defendants reserve the right to request that the Court grant a short adjournment of the deadline to complete fact discovery. In conjunction with this request for an adjournment of the Case Management Conference for the good cause set forth herein, Defendants respectfully request a corresponding adjournment until June 9, 2021 of the last day to submit pre-motion letters concerning motions for summary judgment.

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time requested due to the need to engage with the third party and based on the extraordinarily hectic and crammed litigation calendar of Defendants' counsel. Defendants are committed to doing everything they can to attempt to resolve all of the issues with the parties in short order. There have been no previous requests for the adjournments sought herein.

If the Court, however, does not agree to adjourn the Case Management Conference for the reasons set forth herein, Defendants' counsel requests that they be allowed to appear by telephone. By letter endorsement dated May 19, 2021, the Court has already granted a request by Plaintiff's counsel to appear telephonically. As Plaintiff's counsel will be appearing telephonically, and because Defendants' counsel includes attorneys that reside outside of the State of New York and/or are immunocompromised, Defendants' counsel respectfully requests that the entire conference be held by telephone should it go forward tomorrow.

Thank you for Your Honor's time and attention to these requests.

Respectfully submitted,

/s/ Jay R. Speyer

Jay R. Speyer

cc: All Counsel (via ECF)